

Mandatory five-year electrical installation tests on private rented housing in England

Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

September 2020

Tick list for property managers

Is my tenancy a specified tenancy covered by the Regulations?

Most residential tenancies that we grant will be a specified tenancy, including:

- Assured Shorthold Tenancies.
- Assured tenancies, including Rent Act and Rent Agriculture Act¹.
- Agricultural tenancies granted for less than seven years which include a house.
- Houses within Farm Business Tenancies and Agricultural Holdings Act tenancies.
- Service occupancies where a rent is charged, even if not market rent.

The Regulations do not apply to social housing; shared accommodation with a landlord; leases for a term of seven years or more; hostels and refuges; care homes; hospitals, hospices and healthcare accommodation².

When do the Regulations apply from?

- From 1st July 2020 – all new specified tenancies must have a test done before the tenancy starts.
- By 1st April 2021 – all existing specified tenancies must have a test done by 1st April 2021.

What do you have to do if the Regulations apply to your tenancy?

1. Arrange for an Electrical Installation Condition Report (EICR)³ to be produced by a qualified and competent person working to NICEIC / ELECSA guidance. The purpose is to ensure that electrical safety standards are being met by inspecting and testing every electrical installation in the premises. The report will typically cost around £100 per house.
2. Do any remedial work within 28 days of the test (or sooner if so stated in the report)⁴.
3. Give a copy of the report to all tenants (individually) within 28 days of the test.
4. Keep a copy of the report for your records.
5. Record the due date of the next test (in five years' time) in your property management system⁵.
6. Consider whether a new test is needed if work is done to the property. It is advisable.
7. Give a copy to the person carrying out the next inspection and test.

How can I ensure the person I use is qualified and competent?

The person carrying out the inspection and test⁶ must have:

¹ For statutory periodic tenancies – where on expiry of the fixed term the tenancy rolls over into a periodic tenancy automatically by statute (rather than by contract) - the periodic tenancy would be a new tenancy and will require an inspection and test at this point.

² Although the Regulations do not apply to these types of tenancy, it is still good practice to regularly check electrical safety.

³ The report must be carried out in accordance with the latest edition of the Wiring Regulations, which is currently the 18th edition (effective from 1st January 2019). Fixed electrical cables and equipment, including items such as consumer units, protective bonding, sockets, switches, lights, electric showers and extractor fans, must comply with the latest Building Regulations.

⁴ You must also send written confirmation that the remedial work has been carried out and that the electrical safety standards are met to the local housing authority within 28 days of its completion.

⁵ The date the next report is due by cannot be more than five years from the date of the latest inspection, and may be shorter. Therefore the previous anniversary date is NOT preserved, which is different to the way the Gas Safety Regulations work.

⁶ The person doing the inspection must be qualified and competent – it is not good enough that someone else in the firm or the person supervising their work has the right qualifications and experience.



- Adequate insurance, which means at least £2m public liability and £250,000 professional indemnity insurance.
- A qualification covering the current version of the wiring regulations (BS 7671).
- A qualification covering the periodic inspection, testing and certification of electrical installations.
- At least two years' experience in carrying out periodic inspection and testing.



Everyone on the government's [Authorised Competent Person Scheme Operator website](#) meets the above requirements.

If the tenant changes

You must give a copy of the most recent report to a new tenant before they move in and to a prospective tenant within 28 days of a request. We also recommend that a qualified electrician undertakes a full visual assessment and confirms that the property is safe to re-let.



What if I have a satisfactory inspection report issued before the 18th edition of the Wiring Regulations came into force in January 2019?

Even if an inspection took place less than five years ago and it complied with a previous edition of the Wiring Regulations, the government guidance is that electrical installations may not comply with current regulations.

However, guidance from the Electrical Safety Roundtable, a government-founded industry forum, is to review the existing report to see what was recommended on it and consider how the property has been let since it was carried out. If big changes have occurred, e.g. high turnover of tenants, DIY work found, flood damage, then it is prudent to get another electrical safety report carried out.

If no changes have been made, then the report remains valid until the next inspection date specified.

Enforcement

Local Authorities will enforce the new Regulations and can impose fines of up to £30,000. They can also serve remedial notices.

Further guidance

Electrical Safety Roundtable guidance for landlords – this is the most useful guidance available at the time of writing.
<http://www.electricalsafetyroundtable.co.uk/downloads/Electrical-Safety-Standards-in-the-Private-Rented-Sector-Regulation-ESR-Guidance.pdf>

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020:
http://www.legislation.gov.uk/ukdsi/2020/9780111191934/pdfs/ukdsi_9780111191934_en.pdf

Explanatory Memorandum to The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020:
<http://www.legislation.gov.uk/ukdsi/2020/9780111191934/memorandum/contents>

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